

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JOSEPH PHILIP PEROT, SR.,  
Plaintiff,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES, *et al.*,  
Defendants.

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CIVIL ACTION NO. H-06-1153

**MEMORANDUM AND ORDER**

In a Memorandum and Order entered January 3, 2007 [Doc. # 27], the Court dismissed Plaintiff's claims for compensatory and other damages because Plaintiff's claim is exclusively one for judicial review pursuant to 42 U.S.C. § 405 and dismissed Plaintiff's § 405 claim as time-barred. The case is now before the Court on Plaintiff's Motion for Reconsideration [Doc. # 29], to which Defendants filed a Response [Doc. # 30], and Plaintiff filed a Reply [Doc. # 31]. Based on its review of the full record and the application of governing legal authorities, the Court **denies** Plaintiff's Motion for Reconsideration.

A motion for reconsideration "calls into question the correctness of a judgment." *Templet v. HydroChem, Inc.*, 367 F.3d 473, 478 (5th Cir. 2004) (citation omitted). A motion for reconsideration "is not the proper vehicle for rehashing evidence, legal

theories, or arguments that could have been offered or raised before the entry of judgment.” *Id.* Instead, it merely serves to allow “a party to correct manifest errors of law or fact or to present newly discovered evidence.” *Id.* A motion for reconsideration may also allow a party to bring an intervening change in the controlling law to the Court’s attention. *See Schiller v. Physicians Res. Group, Inc.*, 342 F.3d 563, 567-68 (5th Cir. 2003).

In his Motion for Reconsideration, Plaintiff simply restates the arguments set forth in his response to Defendants’ Motions to Dismiss. For the reasons stated in the January 3, 2007, Memorandum and Order, the Court again concludes that Plaintiff’s § 405 claim, his only viable claim, is time-barred. Accordingly, it is hereby

**ORDERED** that Plaintiff’s Motion for Reconsideration [Doc. # 29] is **DENIED**.

SIGNED at Houston, Texas, this 7<sup>th</sup> day of **February, 2007**.

  
Nancy F. Atlas  
United States District Judge